



UNITED STATES PATENT AND TRADEMARK OFFICE

UNITED STATES DEPARTMENT OF COMMERCE
United States Patent and Trademark Office
Address: COMMISSIONER FOR PATENTS
P.O. Box 1450
Alexandria, Virginia 22313-1450
www.uspto.gov

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/944,832	08/31/2001	Lawrence Jacobs	OR01-03301	3411

22835 7590 11/19/2004

PARK, VAUGHAN & FLEMING LLP
508 SECOND STREET
SUITE 201
DAVIS, CA 95616

EXAMINER

CHOI, WOO H

ART UNIT PAPER NUMBER

2186

DATE MAILED: 11/19/2004

Please find below and/or attached an Office communication concerning this application or proceeding.



**UNITED STATES DEPARTMENT OF COMMERCE
U.S. Patent and Trademark Office**

Address: COMMISSIONER FOR PATENTS
P.O. Box 1450
Alexandria, Virginia 22313-1450

APPLICATION NO./ CONTROL NO.	FILING DATE	FIRST NAMED INVENTOR / PATENT IN REEXAMINATION	ATTORNEY DOCKET NO.
---------------------------------	-------------	---	---------------------

EXAMINER

ART UNIT	PAPER
----------	-------

20041108

DATE MAILED:

Please find below and/or attached an Office communication concerning this application or proceeding.

Commissioner for Patents

Notice of Non-Responsive Amendment

NOTICE OF NON-RESPONSIVE AMENDMENT

Restrictions

1. Newly submitted claims 52 – 90 are directed to an invention that is independent or distinct from the invention originally claimed. Restriction to one of the following inventions is required under 35 U.S.C. 121:

- I. Claims 1 – 51, drawn to operations of plural cooperating caches based on ownership, classified in class 711, subclass 119.
- II. Claims 52 – 90, drawn to “warm-up phase” of plural hybrid caches involving collection of content digest from each hybrid cache, classified in class 711, subclass 119.

2. The inventions are distinct, each from the other because of the following reasons:

Inventions I and II are related as subcombinations disclosed as usable together in a single combination. The subcombinations are distinct from each other if they are shown to be separately usable. In the instant case, invention I is drawn to operations of cooperating caches based on the ownership of the object being cached. Invention II is drawn to preparation or “warm-up phase” of hybrid caches that collects content information from the hybrid caches. Invention II has a separate utility in that it can be used to warm-up caches that do operate on the basis of ownership as in invention I.

Art Unit: 2186

3. Because these inventions are distinct for the reasons given above and the search required for Group I is not required for Group II, restriction for examination purposes as indicated is proper.

4. Since applicant has received an action on the merit for the originally presented invention, this invention has been constructively elected by original presentation for prosecution on the merits. Accordingly, claims 52 – 90 are withdrawn from consideration as being directed to a non-elected invention. See 37 CFR 1.142(b) and MPEP § 821.03.

Non-Responsive Amendment

5. The amendment filed on October 21, 2004, canceling all claims drawn to the elected invention and presenting only claims drawn to a non-elected invention is non-responsive (MPEP § 821.03).

Since the above-mentioned amendment appears to be a *bona fide* attempt to reply, applicant is given a TIME PERIOD of ONE (1) MONTH or THIRTY (30) DAYS, whichever is longer, from the mailing date of this notice within which to supply the omission or correction in order to avoid abandonment. EXTENSIONS OF THIS TIME PERIOD UNDER 37 CFR 1.136(a) ARE AVAILABLE.

Art Unit: 2186

Conclusion


Any inquiry concerning this communication or earlier communications from the examiner should be directed to Woo H. Choi whose telephone number is (571) 272-4179. The examiner can normally be reached on M-F, 9:00-5:30.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Matt Kim can be reached on (571) 272-4182. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).


whc

November 8, 2004


MATTHEW KIM
ASSISTANT PATENT EXAMINER
BIOLOGY CENTER 2100